



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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Governor

MAEVE VALLELY BARTLETT
Secretary

DAVID W. CASH
Commissioner

September 17, 2014

Mr. John Duclos
Duclos Corporation
One Riverside Avenue
Somerset, MA 02725

RE: Somerset
Transmittal No.: X260907
Application No.: SE-14-013
Class: OP
FMF No.: 393139
AIR QUALITY PLAN APPROVAL

Dear Mr. Duclos:

The Massachusetts Department of Environmental Protection (“MassDEP”), Bureau of Waste Prevention, has reviewed your Limited Plan Application (“Application”) listed above. This Application concerns the surface preparation process at your Gladding-Hearn shipbuilding and ship repair facility located at One Riverside Avenue, Somerset, Massachusetts (“Facility”).

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 “Air Pollution Control,” regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-J, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP’s review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator (“Permittee”) must comply in order for the Facility to be operated in compliance with this Plan Approval.

1. DESCRIPTION OF FACILITY AND APPLICATION

Duclos Corporation (the “Permittee”) owns and operates the existing Gladding-Hearn shipbuilding and ship repair facility at One Riverside Ave, Somerset, MA (“Facility”). The Facility is subject to Limited Plan Application (LPA) No. SE-14-004, which was issued by MassDEP on February 11, 2014.

The Facility is located on approximately 9 acres of waterfront land, and includes 4 buildings with 9 assembly bays and a marine railway which comes up from the river. Most vessels are built inside; occasionally vessels are repaired outside. Previously approved abrasive blasting and painting operations may take place inside or outside the buildings.

In the current Application, the Permittee has indicated that prior to painting these steel and aluminum hulled vessels, the surfaces must be thoroughly cleaned. The surfaces are first washed with water and all-purpose cleaners. Stubborn manufacturing oils are then removed with solvents such as denatured alcohol. Squirt bottles are used to apply the solvents to rags, and then used to wipe the surface of the vessel. Best Available Control Technology as contained in the Permittee’s Standard Operating Procedures includes using tight-fitting lids on containers of liquid volatile materials when not in use, and disposing of used solvent-wipe rags and contaminated cloths and materials promptly in a covered container.

Potential air emissions from these surface preparation activities include Volatile Organic Compounds (VOC), and Hazardous Air Pollutants¹ (HAP). The Permittee has proposed VOC and HAPs emission limitations, and requested federal enforceability be established.

The United States Environmental Protection Agency (USEPA) has determined that the Permittee is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Shipbuilding and Ship Repair (Surface Coating) under Title 40 of the Code of Federal Regulations (CFR) Part 63, Subpart II.

2. EMISSION UNIT (EU) IDENTIFICATION

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval:

¹ Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments, Section 112(b).

Table 1			
EU#	Description	Design Capacity	Pollution Control Device (PCD)
4	Surface Preparation - Solvents	n/a	none

Table 1 Key:

EU# = Emission Unit Number

n/a = not applicable

3. APPLICABLE REQUIREMENTS

A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2:

Table 2			
EU #	Operational / Production Limit ^(Note 1)	Air Contaminant	Emission Limit ^(Note 1)
4	1. VOC, as contained in surface cleaning materials used, shall not exceed 0.3 tons per month.	VOC	0.3 TPM
	2. VOC, as contained in surface cleaning materials used, shall not exceed 2.0 tons per consecutive 12-month period.		2.0 TPY
	3. HAP, as contained in surface cleaning materials used, shall not exceed 0.03 tons per month.	HAP	0.03 TPM
	4. HAP, as contained in surface cleaning materials used, shall not exceed 0.2 tons per consecutive 12-month period.		0.2 TPY

Table 2 Key:

EU# = Emission Unit Number

VOC = Volatile Organic Compounds

HAP = Maximum single and/or total Hazardous Air Pollutants

TPY = tons per consecutive 12-month period

TPM = tons per month

Note 1: The Permittee may reconcile VOC and HAP contained in any solvent waste shipped during the month when determining monthly emissions provided that verifiable records are maintained demonstrating the VOC and HAP content, and quantity present in the waste being shipped if reconciling monthly usage and emissions.

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5 below:

Table 3	
EU#	Monitoring and Testing Requirements
4	1. The Permittee shall monitor the use of cleaning solvent, to include VOC and HAP used and emitted, in order to demonstrate compliance with operational and emission limits in Table 2.
	2. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	3. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13.

Table 3 Key:

EU# = Emission Unit Number

VOC = Volatile Organic Compounds

HAP = Maximum single and/or total Hazardous Air Pollutants

Table 4	
EU#	Record Keeping Requirements
4	1. The Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 2 above. Detailed daily records shall be kept for EU#4. Records shall also list: actual amount of VOC and HAP contained in the materials used and emitted per month and consecutive 12 month period (the total of the current month's emissions plus the emissions from the 11 months preceding the current month). These records shall be compiled no later than the 15 th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at http://www.mass.gov/dep/air/approvals/aqforms.htm#report .
	2. The Permittee may reconcile VOC and HAP contained in any solvent waste shipped during the month when determining monthly emissions provided that verifiable records are maintained demonstrating the VOC and HAP content, and quantity present in the waste being shipped if reconciling monthly usage and emissions.
	3. The Permittee shall maintain records of monitoring and testing as required by Table 3.
	4. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EU(s) and PCD(s) approved herein on-site.
	5. The Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s), PCD(s) and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.

Table 4	
EU#	Record Keeping Requirements
4	6. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s) and PCD(s) and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.
	7. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	8. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	9. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

Table 4 Key:

EU# = Emission Unit Number

PCD = Pollution Control Device

SOMP = Standard Operating and Maintenance Procedure

USEPA = United States Environmental Protection Agency

VOC = Volatile Organic Compounds

HAP = Maximum single and/or total Hazardous Air Pollutants

Table 5	
EU#	Reporting Requirements
4	1. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	2. The Permittee shall notify the Southeast Regional Office of MassDEP, BWP Compliance and Enforcement (C/E) Chief by telephone (508) 946-2878, email sero.air@state.ma.us or fax (508) 946-2865 or (508) 947-6557 as soon as possible, but no later than one (1) business day after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to C/E Chief at MassDEP within three (3) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	3. The Permittee shall report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	4. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30-days from MassDEP's request.

Table 5	
EU#	Reporting Requirements
4	5. The Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.
	6. The Permittee shall submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.

Table 5 Key:

EU# = Emission Unit Number

4. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to, and shall comply with, the following special terms and conditions:

- A. The Permittee shall comply with the Special Terms and Conditions as contained in Table 6 below:

Table 6	
EU#	Special Terms and Conditions
4	1. The Permittee shall conduct all handling and transferring operations involving VOC and/or HAP containing solvents in a way that minimizes spills and releases of VOC and/or HAP.
	2. The Permittee shall ensure the containers of VOC and/or HAP containing solvents are in good condition and do not leak, and shall remain closed, except to add or remove material from them.
	3. The Permittee shall operate and maintain compliance with all applicable requirements contained in 310 CMR 7.18: U Volatile and Halogenated Organic Compounds.
	4. The Permittee shall conduct surface preparation activities in compliance with any applicable regulations at 40 CFR 63, Subpart II.
Facility-wide	5. The Facility is subject to 40 CFR 63, Subpart II, NESHAPs for Shipbuilding and Ship Repair (Surface Coating). As of this date, MassDEP has accepted delegation of authority for 40 CFR 63 Subpart II for Operating Permit (310 CMR 7.00: Appendix C) sources. Within thirty (30) days of the date of this Air Quality Plan Approval, the Permittee shall submit a revised Operating Permit application that reflects this Approval, 40 CFR 63 Subpart II, and any other requirements that apply to the Facility. Mr. Mark Poudrier (508-946-2783) of this office may be contacted for additional guidance on this matter.
	6. Any prior Plan Approvals issued under 310 CMR 7.02 shall remain in effect unless specifically changed or superseded by this Plan Approval. The Facility shall not exceed the emission limits and shall comply with approved conditions specified in the prior Plan Approval(s) unless specifically altered by this Plan Approval.

Table 6 Key:

EU# = Emission Unit Number

NESHAPs = National Emission Standards for Hazardous Air Pollutants

CFR = Code of Federal Regulations

VOC = Volatile Organic Compounds

HAP = Hazardous Air Pollutants

5. GENERAL CONDITIONS

The Permittee is subject to, and shall comply with, the following general conditions:

- A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
- B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.
- C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
- D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
- F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.
- G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.

- H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.
- I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.
- J. The Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.
- K. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

7. APPEAL PROCESS

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Enclosed is a stamped approved copy of the application submittal.

Should you have any questions concerning this Plan Approval, please contact Dan Kamieniecki by telephone at 508-946-2717, or in writing at the letterhead address.

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Thomas Cushing, Chief
Permit Section
Bureau of Waste Prevention

Enclosure

ecc: Somerset Board of Health/Dept of Health
Somerset Fire Department
MassDEP/Boston – Y. Tian
MassDEP/SERO - M. Pinaud
MassDEP/SERO – L. Black
MassDEP/SERO – M. Poudrier
MassDEP/SERO – G. Hunt
USEPA Region I – S. Calder
RELCO Engineering – R. Lavengood